

ZONING BOARD OF APPEALS

The hearing on Tuesday, January 30, 2024, is called to order by Chairman Kalinowski at 7:00 pm.

Members present: John Jimenez	Also: Phyllis Todoro, Town Atty
Greg Kalinowski	Ray Balcerzak, Building Insp
Ron Carey	Jim Lembke
Robert Schafer, Alternate	Absent: Harry Kwiek
Shawn Pralow	

Appeals Case #1445 for Reid Petroleum Corporation for the property at 950 Maple Road, Elma, NY who is requesting an area variance to install two underground tanks that are larger than the required 12,000 gallons §144-151 D and §144-155 C, C3

Tim Arlington – Engineer. Tanks: 2-8, 1-6, and 1-4; forty-five feet long, eight feet diameter. The new one will be at DEC standard 2-15,000 tank instead of the four there now. The tanks will be seventeen feet from the right of way.

Mr. Kalinowski asked if he is the engineer who did the drawings and the response was yes, he is. Mr. Kalinowski stated the scale is incorrect and the site location is not correct.

Mr. Jimenez asked why he recommends the size that is stated on the drawings and the answer was that it is economical for two and the cost for a third is very costly. The hardship is the cost of the tanks. Mr. Jimenez asked if the space could hold three tanks and Mr. Arlington replied that if they did have three tanks it would be closer to the drive through.

Mr. Carey brought up what an area variance is and what it means. Finance is not the main reason. Mr. Carey asked how many stations Reid's has in Elma and Mr. Arlington could not answer. Mr. Carey asked if they meet the setback requirements and they do not currently but with the new tanks they will.

The Engineer informed the board that the tanks are made to be either 12,000 or 15,000 and that there is nothing in between. Mr. Schafer stated that the 12,000-gallon tank is what should be installed, and the finances are not the only reason for a variance. Mr. Pralow asked what a fuel tanker holds, and the engineer is not sure. Mr. Pralow asked why they are being removed and the answer was it is the age and that they are not double walled. Mr. Kalinowski asked what the period is and if they will be replaced this year. The engineer said he has no idea what the lifetime of the current tanks are.

Mr. Schafer asked if the new tanks will be fiberglass double wall and Mr. Arlington replied yes and that the typical life of a new tank is 30 years minimum. Ron asked what the current setbacks are now, and the response was seventeen feet. Mr. Pralow asked who owns the property and the engineer did not know.

No one spoke in favor. Against the variance was Joanne C of 350 Chairfactory Road.

Mrs. Todoro asked if he had the authority to change the size of the tank and the reply was, he would have to call his client.

Mr. Carey made the motion to approve Appeals Case #1445 for Reid Petroleum Corporation for the property at 950 Maple Road, Elma, NY who is requesting an area variance to install two underground tanks that are larger than the required 12,000 gallons §144-151 D and §144-155 C, C3 based on the following criteria and the exception that the size of the tanks is capped at 12,000:

- 1) An undesirable change would not be known.
- 2) The benefit could not be achieved another way.
- 3) The request is not substantial.
- 4) The request would not have an adverse physical or environmental effect.
- 5) The alleged difficulty is not self-created.

Seconded by Mr. Pralow Ayes-5. Nays-0.

Motion to adjourn 8:04 by Robert Schafer and seconded by Ron Carey.

Respectfully submitted,

Kerry Galuski
Zoning Board Secretary